REMARKS

Claims 1, 4-9, 12-18 and 22-31 were examined in the most recent Office Action. By this Amendment, Claims 1, 4, 12, 14, and 22 were amended, no claims were deleted and Claims 32-34 have been added. Claims 2-3, 10-11, and 19-21 were previously cancelled Thus, Claims 1, 4-9, 12-18, and 22-34 are still pending in the case.

Claim 4 was amended to correct an erroneous dependency. Claim 14 was amended to bring it in line with Claim 1.

In the most recent Office Action, the Examiner rejected Claims 1, 9, 12 14, 15 and 22-26 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,046,564 to Poulsen ("Poulsen"). All rejections in the Office Action are premised on Poulsen. In the Advisory Action, the Examiner noted his belief that Poulsen's plate 48 is placed in base plate 52 which is mounted to the vehicle. In the phone conversation of 19 December 2005, the Examiner noted his desire for further structure to be defined in the claims.

Pursuant to that conversation, counsel has amended the claims to recognize that the adjustable counterbalancing mechanism is separate and independent from the turbine and can be used to optionally change the center of mass of the vehicle. New Claims 33 and 34 bring out the specific structure of the counterbalancing assemblies. As to the center of mass, simple, well-known physics supports this statement.

Applicant still believes Poulsen fails to use a counterbalancing mechanism as previously claimed and as now claimed. Poulsen states in Col. 5:

> The two vertical supports 45 are rigidly attached, at their bottoms, to a connection plate 46. In order to achieve rotation of the jet engine 1 or wind-producing mechanism 21 on the vertical axis, a circular mid-plate 47 is rigidly secured to the bottom of the connection plate 46. A circular bottom plate 48, which has a larger diameter than the circular mid-plate 47, is rigidly secured to the bottom of the circular mid-plate 47 with their respective centers aligned. The circular bottom plate 48 sits in the bottom portion 50 of the circular well 49 in the base plate 52. Two rim caps 53 are bolted into the upper portion 51 of the circular well 49, through holes 54 in the rim caps 53, with bolts 55. The rim plates 53 prevent the circular bottom plate 48 from tipping out of the circular well 49. Preferably, there are bearings in the spaces between the bottom of the circular well 49 and the bottom of the circular bottom plate 48; the outside of the circular bottom plate 48 and the outside of the lower portion 50 of the circular well 49; and the top of the circular bottom plate 48 and the bottom of the rim caps 53. In one example, illustrated in FIG. 17, loose ball bearings of three different sizes are placed in the spaces around the circular bottom plate 48, the smallest of these ball bearings 56 are placed below the circular bottom plate 48; the largest of the bearings 58 are placed above the circular bottom plate 48; and the mid-size bearings 57 are placed to the outside of the circular bottom plate 48. By arranging the loose ball bearings in this manner, no ball bearing can fall from its proper space to a space below.

As is clear from this, Poulsen's circular bottom plate 48 sits in a circular well 49 formed into the base plate 52. To the extent there is discussion in Poulsen, it is to permit rotation of the bottom plate 48 relative to the base plate 52. No where is it suggested that any of these parts or components act as an "adjustable counterbalancing mechanism." Indeed, the bottom plate 48 is either fixed or not fixed to the base plate 52 by the rim caps 53. When fixed, it can hardly rotate, let alone act as a adjustable counterbalance.

Emphasizing the above error is the Examiner's treatment of Claim 23. Claim 23 calls for a specific counterbalancing mechanism. The Examiner grouped this claim in with the above Section 103 rejection. No where does Poulsen even hint of such a system.

In addition to the above, in Applicant's last Reply, counsel argued that Poulsen does not teach directing the exhaust at, into, or in front of a fire; Poulsen expressly teaches the contrary, namely, that the exhaust should be directed above the fire, and should not be aimed at the fire. (See Poulsen, Col. 2, Lines 30-34). The Examiner's response was only that Poulsen "does not preclude an operator from directing the exhaust directly at or in front of the front wall of the flames of the fire." The Examiner states that "one having ordinary skill in the art would know that in cases of tunnel fires for example, an operator would direct the exhaust directly in front of the fire."

The Examiner's conclusions here are also incorrect. One would have to go outside the teaching and specific direction of Poulsen to do what is suggested by the Examiner. It is totally improper for the Examiner to use a single reference under Section 103 [Poulsen] totally contrary to the teachings of the reference as done here. One cannot build a reference on common knowledge by using the cited reference in a manner contrary to its own teachings. As such, Poulsen cannot be used to build an obvious-type rejection as done here when it specifically instructs and directs to the contrary.

In addition, the Examiner's example would be appear foolish. One sending the force of a jet engine into a tunnel fire is bound to also send the fire through the backside of the tunnel, creating a second, greater problem (a fire starting or spreading out the backside of the tunnel). (Per Poulsen: pointing exhaust at the fire will fan the flames, rather than subduing them. See Poulsen, Col. 2, Lines 30-34). Thus, one skilled in the art would probably avoid this tact.

In view of the foregoing, Applicant respectfully requests reconsideration and allowance of the pending claims. If it would expedite the progress of this Application through the examination process, the Examiner is authorized to call the undersigned attorney.

Respectfully submitted,

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